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OFFICE OF PETITIONS

Applicant: Houshang Lolachi et al.
Appl. No.: 09/729,924
Filing Date: December 6, 2000
Title: STERILITY-MAINTAINING CONNECTION SYSTEM FOR MEDICAL SYSTEMS
AND USE THEREOF
Attorney Docket No.: P66152US0
Pub. No.: US 2001/0012930 A1
Pub. Date: August 9, 2001

This is a decision on the request for corrected patent application publication under 37 CFR 1.221(b), filed on September 26, 2001 for the above-identified application. This is also in response to the request to change the order of the inventor's names, filed July 24, 2001, which has been treated as a petition under 37 CFR 1.182.

The request for a corrected publication is granted-in-part.

The petition under 37 CFR 1.182 is granted.

A patent application publication is based on the application papers as originally filed, according to 37 CFR 1.215(a), which says the following, in part:

(a) . . . The patent application publication will be based upon the application papers deposited on the filing date of the application, as well as the executed oath or declaration submitted to complete the application . . . The patent application publication will not include any amendments, including preliminary amendments, unless applicant supplies a copy of the application containing the amendment pursuant to paragraph (c) of this section.

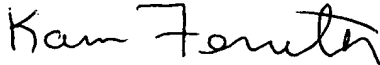
37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records." Although applicant contends that the Office published the names of the inventors in the wrong order, the declaration filed on March 19, 2001, listed the inventors as Siegfried Ebner, Houshang Lolachi and Hans-Jurgen Neumann, thus the patent application publication listed in the correct order as provided by 37 CFR 1.215(a). Since there was no mistake in the order of the names on the patent application publication, the request for a corrected publication under 37 CFR 1.221(b) cannot be granted on this basis. The omission of figure 7c, however, in the circumstances of this application is considered a material error, and a corrected publication will issue to correct this error.

Applicant's request to change the order of the inventors, filed on July 24, 2001, has been treated as a petition under 37 CFR 1.182. See MPEP 605.04(f). During a telephone call on June 18, 2002, applicant's representative Mr. Johnathan Scherer authorized payment of the petition fee \$130.00 to Deposit Account No. 06-1358.

The corrected patent application publication will be published in due course. Although 37 CFR 1.215(a) provides that patent application publications are based upon the patent

application as filed, and any subsequently filed papers required to complete the application, since the current processing of corrected patent applications involves re-exporting the data to compile the patent application publication, the change in the order of inventorship will be included in the patent application publication.

Inquiries relating to this matter may be directed to Mark Polutta at (703) 308-8122 (voice) or (703) 746-3465 (facsimile).



Karin Ferriter
Senior Legal Advisor
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Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected filing receipt